

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

Case No. 3:01-cr-251(S1)-J-25TEM

v.

Ct. 1: 18 U.S.C. § 371
Cts. 2-9 18 U.S.C. §§ 1341 and 2

JEROME P. JACOBSON
a/k/a Jerry Jacobson
a/k/a Uncle Jerry
ROBIN LISA COLOMBO
JERRY LEE KENNY
GEORGE CHANDLER
RONALD E. HUGHEY
a/k/a Ronnie Hughey
BRENDA S. PHENIS
JOHN F. DAVIS
ANDREW M. GLOMB
a/k/a Andy Glomb
a/k/a AJ Glomb
STANLEY L. WARWICK
JAMES PATRICK FAHERTY
a/k/a Jim Faherty
STEVEN L. SINDER
WILEY RICHARD COUTURIER
EARL STUART
DONALD M. HART
a/k/a Don Hart
MARK SCHWARTZ
JEROME PEARL
a/k/a Jerry Pearl
GARY DAVID PINCUS
WILLIAM MIKEY THOMAS
a/k/a Mike Thomas
DAROLD F. BROWNING
JOHN HENDERSON
CARL MAINE
STANLEY EVOSEVICH
ERIC POSNAN
PATRICK DORAN
JOEL CARL

INDICTMENT

The Grand Jury charges:

COUNT ONE

A. INTRODUCTION

At all times material herein, unless otherwise specified:

Victims of the Fraudulent Scheme

_____1. _____The McDonald's Corporation (McDonald's), is a multi-national corporation with its headquarters in Oak Brook, Illinois. There are more than 28,000 McDonald's restaurants around the world, of which approximately 13,000 are located in the United States. Some McDonald's restaurants are owned and operated by McDonald's subsidiaries and affiliates, while some are operated under franchise agreements between McDonald's and third parties. In a cooperative advertising effort, McDonald's restaurants in the United States and certain other markets have sponsored promotional games in which customers of McDonald's restaurants play to win prizes of up to \$1 million.

_____2. _____Simon Marketing, Inc. (Simon) is an international marketing company, with its headquarters in Los Angeles, California, and offices in the Atlanta, Georgia area, among others. Simon contracted with McDonald's to conduct national advertising and promotional programs. These marketing campaigns included "Monopoly Game at McDonald's"; "Hatch, Match, and Win"; "When the USA Wins, You Win"; "The Deluxe Monopoly Game at McDonald's"; "The Monopoly and More Game at McDonald's";

“Disney’s Masterpiece Collection Trivia Challenge at McDonald’s”; “Who Wants to be a Millionaire Game”; “Win on the Spot;” and “Pick Your Prize Monopoly.”

The Defendants

3. JEROME P. JACOBSON, a/k/a Jerry Jacobson, a/k/a Uncle Jerry, was employed by Simon as the director of security. In that position, JEROME P. JACOBSON was entrusted with the responsibility of insuring the integrity of promotional games administered by Simon and with disseminating high-value game pieces in connection with various national advertising promotions conducted by Simon, on behalf of McDonald’s. JEROME P. JACOBSON embezzled more than \$20 million worth of high-value winning McDonald’s promotional game pieces from his employer, Simon, and distributed the winning game pieces to individuals who personally redeemed the embezzled game pieces or acted as recruiters, and who thereafter, recruited friends, relatives and associates to fraudulently represent themselves as legitimate winners of high-value winning McDonald’s promotional game pieces.

4. ROBIN LISA COLOMBO was a recruiter of game winners and a resident of Jacksonville, Florida, and Goose Creek, South Carolina. ROBIN COLOMBO is the widow of Jerry Colombo and the daughter of co-conspirator William R. Fisher, a/k/a Buddy Fisher, who was a 1996 \$1 million game winner and a resident of Jacksonville, Florida.

5. JERRY LEE KENNY was a 1996 \$100,000 game winner and a resident of Front Royal, Virginia. JERRY LEE KENNY is a relative of ROBIN COLOMBO and William R. Fisher.

6. GEORGE CHANDLER was a 2000 \$1 million game winner and a resident of Walhalla, South Carolina. GEORGE CHANDLER is a friend and business associate of Noah Dwight Baker, Sr., a recruiter of game winners and a resident of Westminster, South Carolina. Noah Dwight Baker, Sr. was a friend and associate of co-defendant JEROME P. JACOBSON.

7. RONALD E. HUGHEY, a/k/a Ronnie Hughey, was a 2001 \$1 million game winner and a recruiter and is a resident of Anderson, South Carolina. RONALD E. HUGHEY is a friend and business associate of Noah Dwight Baker, Sr.

8. BRENDA S. PHENIS was a 2001 \$500,000 game winner and is a resident of Westminster, South Carolina, and Richmond, Indiana. BRENDA S. PHENIS is a sister-in-law of co-conspirator Noah Dwight Baker, Sr.

9. JOHN F. DAVIS was a 2001 \$1 million game winner and is a resident of Granbury, Texas. JOHN F. DAVIS is a relative of co-defendant RONALD E. HUGHEY.

10. ANDREW M. GLOMB, a/k/a Andy Glomb, a/k/a AJ Glomb, was a recruiter and is a resident of the Ft. Lauderdale, Florida area. ANDREW M. GLOMB is a friend and associate of co-defendant JEROME P. JACOBSON.

11. STANLEY L. WARWICK was a 1999 \$1 million game winner and is a resident of Burr Ridge, Illinois. STANLEY L. WARWICK is a friend of co-defendant ANDREW M. GLOMB.

12. JAMES PATRICK FAHERTY, a/k/a Jim Faherty, was a 2000 \$1 Million winner and is a resident of Orlando, Florida.

13. STEVEN L. SINDER was a 1998 \$1 million winner and is a resident of Rye Brook, New York. STEVEN L. SINDER is a friend and associate of Marvin Braun who was a \$25,000 winner and a recruiter and is a resident of North Miami Beach, Florida. Marvin Braun is the step-brother of JEROME P. JACOBSON.

14. WILEY RICHARD COUTURIER was a recruiter of game winners and is a resident of Marietta, Georgia. WILEY RICHARD COUTURIER is a friend of co-defendant JEROME P. JACOBSON.

15. EARL STUART was a 1996 \$1 million winner and a recruiter and is a resident of the Miami, Florida, area.

16. DONALD M. HART, a/k/a Don Hart, was a recruiter of other recruiters and game winners and is a resident of Atlanta, Georgia. DONALD M. HART is a friend of co-defendant JEROME P. JACOBSON.

17. MARK SCHWARTZ was a recruiter of game winners and is a resident of Miami, Florida. MARK SCHWARTZ is a relative of co-defendant JEROME P. JACOBSON.

18. JEROME PEARL, a/k/a Jerry Pearl, was a recruiter of game winners and is a resident of Miami, Florida. JEROME PEARL is a friend of co-defendant MARK SCHWARTZ.

19. GARY DAVID PINCUS was a 1997 \$200,000 winner and a recruiter of game winners and is a resident of Bettendorf, Iowa. GARY DAVID PINCUS is a relative of co-defendants JEROME P. JACOBSON and MARK SCHWARTZ.

20. WILLIAM MIKEY THOMAS, a/k/a Mike Thomas, was a 1999 \$1 million winner and a recruiter of game winners and is a resident of Arvada, Colorado. WILLIAM MIKEY THOMAS is a friend of co-defendants WILEY RICHARD COUTURIER and JOHN HENDERSON.

21. DAROLD F. BROWNING was a 2000 \$200,000 winner and is a resident of Syracuse, Utah. DAROLD F. BROWNING is a friend of co-defendant JOHN HENDERSON and an acquaintance of WILLIAM MIKEY THOMAS.

22. JOHN HENDERSON was a 2000 \$1 million winner and is a resident of Las Vegas, Nevada. JOHN HENDERSON is a friend of co-defendants WILLIAM MIKEY THOMAS, DAROLD F. BROWNING and CARL MAINE.

23. CARL MAINE was a 2001 \$250,000 winner and is a resident of Dover, Delaware. CARL MAINE is a friend of co-defendant JOHN HENDERSON and an acquaintance of co-defendant WILLIAM MIKEY THOMAS.

24. STANLEY EVOSEVICH was a 1998 \$1 million winner and is a resident of Jamul, California. STANLEY EVOSEVICH is a friend of co-defendant ANDREW M. GLOMB.

25. ERIC POSNAN was a 2000 \$1 million winner and is a resident of Jamison, Pennsylvania. ERIC POSNAN is a relative of co-defendant ANDREW M. GLOMB.

26. PATRICK DORAN was a 1999 \$1 million winner and is a resident of Mahwah, New Jersey. PATRICK DORAN is a relative of co-defendant ANDREW M. GLOMB's girlfriend.

27. JOEL CARL was a 1996 \$1 million winner and is a resident of Charleston, South Carolina. JOEL CARL was a friend of Jerry Colombo.

McDonald's Promotional Games

____28. In a consolidated national and international advertising and marketing effort, McDonald's operates promotional games designed to attract customers to McDonald's restaurants by providing customers with an opportunity to win prizes ranging from food products to prizes of up to \$1 million.

29. Each of the promotional games have low-value, mid-value and high-value prizes. In order to win a prize, McDonald's customers must obtain a game piece which may be: (1) handed out at a restaurant either attached to food paper products (such as french fry boxes and drink cups) or unattached and handed out separately; (2) found in

an advertising insert in a newspaper or magazine; (3) received by direct mail; or (4) obtained by requesting a piece through the mail.

30. Customers have the opportunity to become instant winners or winners by collecting specific game pieces. Low-value prizes include food items and low dollar cash prizes. High-value prizes can include vehicles, recreational vehicles and cash of up to \$1 million. Generally, there are two opportunities to win the \$1 million grand prize, one by obtaining the \$1 million instant winner game piece and one by collecting certain game pieces.

31. In order to claim a high-value prize, the winner must redeem the winning game piece with Simon. After receiving a winning game piece, Simon confirms the legitimacy of the game piece, and notifies McDonald's. Simon notifies the winners and, with respect to certain high-value prizes, McDonald's contacts the winners regarding possible promotional activity.

32. Payment of cash prizes of less than \$1 million is made in a single check. Disbursement of \$1 million prizes is generally made over a twenty (20) year period at a rate of \$50,000 per year. However, the \$1 million prize winner can elect to receive a single payment of \$1 million reduced to present value.

B. CHARGE

From in or about the late 1980's through on or about September 7, 2001, at Jacksonville and Orlando, Florida, in the Middle District of Florida; in Miami and Ft. Lauderdale, Florida; in Atlanta, Lawrenceville, Marietta, and Oakwood, Georgia; in Westminster, Walhalla, Anderson, Goose Creek, Beaufort and Hilton Head, South Carolina; in Westerly, Rhode Island; in Litchfield, New Hampshire; in Rye Brook, New Jersey; in Front Royal and Fredericksburg, Virginia; in Monroeville, Pennsylvania; in Granbury, Texas; in Biloxi, Mississippi; in Indianapolis, Indiana; in Germantown, Tennessee; in Burr Ridge, Illinois; in Bettendorf, Iowa; in Arvada, Colorado; in Syracuse, Utah; in Las Vegas, Nevada; in Dover, Delaware; in Jamul, California; in Jamison, Pennsylvania; in Mahwah, New Jersey; in Elkhart, Indiana; and elsewhere,

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BRENDA S. PHENIS
JOHN F. DAVIS
ANDREW M. GLOMB
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STANLEY L. WARWICK
JAMES PATRICK FAHERTY
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STEVEN L. SINDER
WILEY RICHARD COUTURIER
EARL STUART
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a/k/a Don Hart
MARK SCHWARTZ
JEROME PEARL
a/k/a Jerry Pearl
GARY DAVID PINCUS
WILLIAM MIKEY THOMAS
a/k/a Mike Thomas
DAROLD F. BROWNING
JOHN HENDERSON
CARL MAINE
STANLEY EVOSEVICH
ERIC POSNAN
PATRICK DORAN
JOEL CARL

the defendants herein, and with others known and unknown to the grand jury, did knowingly and willfully combine, conspire, confederate and agree together to commit an offense against the United States, that is, to use the United States mails and cause the use of the United States mails in furtherance of a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses and representations, in violation of Title 18, United States Code, Sections 1341 and 2.

C. MANNER AND MEANS

1. It was part of the conspiracy that JEROME P. JACOBSON would abuse his position of trust with his employer, Simon, by embezzling high-value game pieces associated with McDonald's promotional games.

2. It was further part of the conspiracy that JEROME P. JACOBSON would enter into unlawful agreements with friends, relatives and associates to act as recruiters in the fraudulent scheme.

3. It was further part of the conspiracy that recruiters would identify and solicit friends, relatives and associates to falsely and fraudulently represent themselves as legitimate winners of high-value game pieces in McDonald's promotions.

4. It was further part of the conspiracy that JEROME P. JACOBSON would distribute winning high-value McDonald's promotional game pieces to recruiters with the understanding that in return for the winning game piece, he would be compensated, generally, by receiving proceeds from winning game pieces.

5. It was further a part of the conspiracy that JEROME P. JACOBSON would be compensated for the winning game pieces in cash or other forms of payment.

6. It was further a part of the conspiracy that individuals who were provided winning high-value game pieces would act as recruiters and identify friends, relatives and associates who would falsely and fraudulently represent themselves as legitimate McDonald's promotional game winners.

7. It was further part of the conspiracy that winners would contact Simon and falsely and fraudulently claim to be legitimate winners of high-value game pieces.

8. It was further part of the conspiracy that winners would provide McDonald's with addresses for prize checks to be mailed.

9. It was further part of the conspiracy that winners, recruiters, and JEROME P. JACOBSON would cause McDonald's and/or Simon to mail prize checks to winners.

10. It was further part of the conspiracy that winners would negotiate the fraudulently obtained McDonald's promotional prize checks.

11. It was further part of the conspiracy that winners would transfer a portion of the proceeds from the fraudulent scheme to their recruiters.

12. It was further part of the conspiracy that winners of \$1 million McDonald's promotional prizes, which would be paid-out by McDonald's at a rate of \$50,000 per year for twenty (20) years, would transfer their interest in the yearly payments to insurance companies or McDonald's, in exchange for the present value of their winnings less any handling or processing fee.

13. It was further part of the conspiracy that winners and recruiters would transfer a portion of the proceeds from the fraudulent scheme to JEROME P. JACOBSON.

14. It was part of the conspiracy that the defendants would perform acts and make statements to hide and conceal and cause to be hidden and concealed the purpose of the conspiracy and the acts committed in furtherance thereof.

D. OVERT ACTS

_____ In furtherance of the conspiracy and to effect the objects thereof, the following overt acts, among others, were committed in the Middle District of Florida, and elsewhere:

Winner--Fisher

1. Between in or about March through May 1996, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game named "The Deluxe Monopoly Game at McDonald's."

2. In or about May 1996, JEROME P. JACOBSON provided a winning \$1 million game piece for a McDonald's promotional game, named "The Deluxe Monopoly Game at McDonald's", to Jerry Colombo.

3. In or about May 1996, Jerry Colombo provided a winning \$1 million game piece for a McDonald's promotional game, named "The Deluxe Monopoly Game at McDonald's," to William R. Fisher.

4. On or about June 14, 1996, William R. Fisher, falsely and fraudulently claimed to be a legitimate winner of a \$1 million game piece from a McDonald's promotional game, named "The Deluxe Monopoly Game at McDonald's."

5. On or about June 14, 1996, William R. Fisher, falsely and fraudulently represented to McDonald's representatives that he was a resident of Litchfield, New Hampshire, when in truth and fact, William R. Fisher was a resident of Jacksonville, Florida.

6. On or about July 11, 1996, William R. Fisher negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a Jacksonville, Florida, financial institution.

7. On or about June 4, 1997, the defendants caused McDonald's to mail a \$50,000 corporate check to William R. Fisher, Jacksonville, Florida.

8. On or about June 16, 1997, William R. Fisher negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a Jacksonville, Florida, financial institution.

9. On or about June 2, 1998, the defendants caused McDonald's to mail a \$50,000 corporate check to William R. Fisher, Jacksonville, Florida.

10. On or about June 9, 1998, William R. Fisher negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a Jacksonville, Florida, financial institution.

11. On or about May 26, 1999, the defendants caused McDonald's to mail a \$50,000 corporate check to William R. Fisher, Jacksonville, Florida.

12. On or about June 1, 1999, William R. Fisher negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a Jacksonville, Florida, financial institution.

13. On or about May 26, 2000, the defendants caused McDonald's to mail a \$50,000 corporate check to William R. Fisher, Jacksonville, Florida.

14. In or about June 2000, William R. Fisher negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a Jacksonville, Florida, financial institution.

15. On or about May 24, 2001, the defendants caused McDonald's to mail a \$50,000 corporate check to William R. Fisher, Jacksonville, Florida.

16. On or about June 4, 2001, William R. Fisher negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a Jacksonville, Florida, financial institution.

Winner--Kenny

17. Between in or about March and April 1996, JEROME P. JACOBSON embezzled a \$100,000 winning game piece from his employer, Simon, for a McDonald's promotional game, named "Disney's Masterpiece Collection Trivia Challenge at McDonald's."

18. Between in or about March and April 1996, JEROME P. JACOBSON provided a \$100,000 winning game piece for a McDonald's promotional game, named "Disney's Masterpiece Collection Trivia Challenge at McDonald's", to Jerry Colombo.

19. Between in or about March and April 1996, Jerry Colombo provided a \$100,000 winning game piece for a McDonald's promotional game, named "Disney's Masterpiece Collection Trivia Challenge at McDonald's" to JERRY LEE KENNY.

20. In or about April, 1996, JERRY LEE KENNY, falsely and fraudulently claimed to be a legitimate winner of a \$100,000 game piece from a McDonald's promotional game, named "Disney's Masterpiece Collection Trivia Challenge at McDonald's".

21. On or about April 11, 1996, the defendants caused McDonald's to mail a \$100,000 corporate check to JERRY LEE KENNY, Front Royal, Virginia.

Winner--Breegle

22. Between in or about January through March 1997, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game, named "Monopoly Game at McDonald's."

23. Between in or about January through March 1997, JEROME P. JACOBSON provided a winning \$ 1 million game piece for a McDonald's promotional game, named "Monopoly Game at McDonald's," to Jerry Colombo.

24. Between in or about February and March 1997, Jerry Colombo provided a winning \$1 million game piece for a McDonald's promotional game, named "Monopoly Game at McDonald's" to Stacy L. Breegle.

25. In or about March 10, 1997, Stacy L. Breegle, falsely and fraudulently claimed to be a legitimate winner of a \$1 million game piece from a McDonald's promotional game, named "Monopoly Game at McDonald's."

Winner--Brown

26. Between in or about January through April 1997, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game named "Monopoly Game at McDonald's."

27. In or about March 1997, ROBIN LISA COLOMBO recruited Gloria Brown to falsely represent herself as a legitimate winner in a McDonald's promotional game.

28. In or about April 1997, JEROME P. JACOBSON provided a winning \$ 1 million game piece for a McDonald's promotional game, named "Monopoly Game at McDonald's," to Jerry Colombo.

29. In or about April 1997, Jerry Colombo provided a winning \$1 million game piece for a McDonald's promotional game, named "Monopoly Game at McDonald's," to Gloria Brown.

30. On or about April 24, 1997, Gloria Brown falsely and fraudulently claimed to be a legitimate winner of a \$1 million game piece from a McDonald's promotional game, named "Monopoly Game at McDonald's."

31. On or about May 28, 1997, Gloria Brown negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a Jacksonville, Florida, financial institution.

32. On or about May 18, 1998, Gloria Brown negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a Jacksonville, Florida, financial institution.

33. On or about May 4, 1999, Gloria Brown negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a Jacksonville, Florida, financial institution.

34. On or about May 2, 2000, Gloria Brown negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a Jacksonville, Florida, financial institution.

35. On or about April 27, 2001, Gloria Brown negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a Jacksonville, Florida, financial institution.

Winner--Chandler

36. Between in or about January through June 2000, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game, named "Hatch, Match, and Win."

37. Between in or about May and June 2000, JEROME P. JACOBSON provided a winning \$1 million game piece for a McDonald's promotional game, named "Hatch, Match, and Win," to Noah Dwight Baker, Sr.

38. Between in or about May and June 2000, Noah Dwight Baker, Sr. provided a winning \$1 million game piece for a McDonald's promotional game, named "Hatch, Match, and Win," to GEORGE CHANDLER.

39. Between in or about May and June 2000, GEORGE CHANDLER and Noah Dwight Baker, Sr. fabricated a story for GEORGE CHANDLER to use when GEORGE CHANDLER falsely and fraudulently claimed to be a legitimate winner of a winning \$1 million game piece for a McDonald's promotional game, named "Hatch, Match, and Win."

40. On or about June 6, 2000, GEORGE CHANDLER, falsely and fraudulently claimed to be a legitimate winner of a \$1 million game piece from a McDonald's promotional game, named "Hatch, Match, and Win."

41. On or about July 7, 2000, GEORGE CHANDLER, negotiated a prize check issued by McDonald's, in the amount of \$50,000, at a South Carolina financial institution.

42. On or about November 6, 2000, GEORGE CHANDLER assigned his rights and interest in the nineteen (19) remaining payments of his winnings from the "Hatch, Match, and Win" promotion, for \$390,125, to a financial institution.

43. On or about August 15, 2001, during a telephone call with a McDonald's representative, GEORGE CHANDLER falsely and fraudulently claimed that he obtained a winning \$1 million game piece for a McDonald's promotional game, named "Hatch,

Match, and Win," at a McDonald's restaurant, in an effort to hide and conceal the fact that he had actually received his winning game piece from co-conspirator Noah Dwight Baker, Sr.

Winner--Hughey

44. Between in or about February through April 2001, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game, named "Who Wants to be a Millionaire Game."

45. Between in or about March and April 2001, JEROME P. JACOBSON provided a winning \$ 1 million game piece for a McDonald's promotional game, named "Who Wants to be a Millionaire Game," to Noah Dwight Baker, Sr.

46. Between in or about March and April 2001, Noah Dwight Baker, Sr. provided a winning \$1 million game piece for a McDonald's promotional game, named "Who Wants to be a Millionaire Game," to RONALD E. HUGHEY.

47. In or about March, 2001, RONALD E. HUGHEY obtained a state of Tennessee driver's license and telephone service at a Germantown, Tennessee residence.

48. On or about April 27, 2001, RONALD E. HUGHEY, falsely and fraudulently claimed to be a legitimate winner of a \$1 million game piece from a McDonald's promotional game, named "Who Wants to be a Millionaire Game."

49. In or about July 2001, RONALD E. HUGHEY, telephoned McDonald's in order to arrange for McDonald's to issue a \$50,000 check to RONALD E. HUGHEY.

50. On or about July 13, 2001, RONALD E. HUGHEY deposited a \$50,000 McDonald's check in a financial institution at Brownsville, Tennessee.

Winner--Phenis

51. Between in or about February through April 2001, JEROME P. JACOBSON embezzled a winning \$500,000 million game piece from his employer, Simon, for a McDonald's promotional game, named "Who Wants to be a Millionaire Game."

52. Between in or about March through May 2001, JEROME P. JACOBSON provided a \$500,000 winning game piece for a McDonald's promotional game, named "Who Wants to be a Millionaire Game," to Noah Dwight Baker, Sr.

53. Between in or about April and May 2001, Noah Dwight Baker, Sr. provided a \$500,000 winning game piece for a McDonald's promotional game, named "Who Wants to be a Millionaire Game," to BRENDA S. PHENIS.

54. On or about May 16, 2001, BRENDA S. PHENIS falsely and fraudulently claimed to be a legitimate winner of a \$500,000 game piece from a McDonald's promotional game, named "Who Wants to be a Millionaire Game."

55. In the morning of on or about July 12, 2001, BRENDA S. PHENIS and Noah Dwight Baker, Sr. had a telephone conversation during which they discussed BRENDA S. PHENIS having a call block feature placed on her South Carolina telephone to prevent McDonald's from knowing that BRENDA S. PHENIS was calling from South Carolina instead of Asheville, North Carolina.

56. On or about July 17, 2001, BRENDA S. PHENIS traveled to Los Angeles, California, from Indianapolis, Indiana, and negotiated a \$500,000 check issued by Simon in connection with the McDonald's "Who Wants to be a Millionaire Game" promotional game.

57. In the morning of on or about July 18, 2001, Noah Dwight Baker, Sr. and Linda Baker had several conversations in which they discussed BRENDA S. PHENIS taking a \$500,000 prize check and made plans to travel from South Carolina to Indianapolis, Indiana, to locate BRENDA S. PHENIS.

58. In the morning of on or about July 18, 2001, Linda Baker had a telephone conversation with a relative in Richmond, Indiana, during which Linda Baker asked the relative to pass certain information to BRENDA S. PHENIS regarding her obligation to return the proceeds from the \$500,000 check to Noah Dwight Baker, Sr. and Linda Baker.

Winner--Davis

59. Between in or about April through July 2001, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game, named "Pick Your Prize Monopoly at McDonald's."

60. In or about July, 2001 JEROME P. JACOBSON provided a winning \$1 million game piece for a McDonald's promotional game, named "Pick Your Prize Monopoly at McDonald's," to Noah Dwight Baker, Sr.

61. In or about July 2001, Noah Dwight Baker, Sr. provided a winning \$1 million game piece for a McDonald's promotional game, named "Pick Your Prize Monopoly at McDonald's," to RONALD E. HUGHEY.

62. In or about July 2001, RONALD E. HUGHEY provided a winning \$1 million game piece for a McDonald's promotional game, named "Pick Your Prize Monopoly at McDonald's," to JOHN F. DAVIS.

63. On or about July 27, 2001, JOHN F. DAVIS claimed to be a legitimate winner of a \$1 million prize in the McDonald's promotional game, named "Pick Your Prize Monopoly at McDonald's."

Winner--Warwick

64. Between in or about January through April 1999, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game, named "Monopoly at McDonald's."

65. Between in or about March and April 1999, JEROME P. JACOBSON provided a winning \$1 million game piece for a McDonald's promotional game, named "Monopoly at McDonald's," to ANDREW M. GLOMB.

66. Between in or about March and April 1999, ANDREW M. GLOMB provided a winning \$1 million game piece for a McDonald's promotional game, named "Monopoly at McDonald's," to STANLEY WARWICK.

67. On or about April 11, 1999, STANLEY WARWICK claimed to be a legitimate winner of a \$1 million prize in McDonald's promotional game, named "Monopoly at McDonald's."

Winner--Marchitello

68. Between in or about January through March 1999, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game, named "Monopoly at McDonald's."

69. Between in or about February and March, JEROME P. JACOBSON provided a winning \$ 1 million game piece for a McDonald's promotional game, named "Monopoly at McDonald's," to ANDREW M. GLOMB.

70. In or about March 1999, ANDREW M. GLOMB provided a winning \$1 million game piece for a McDonald's promotional game, named "Monopoly at McDonald's," to Victor E. Marchitello.

71. On or about March 31, 1999, Victor E. Marchitello claimed to be a legitimate winner of a \$1 million prize in McDonald's promotional game, named "Monopoly at McDonald's."

Winner--Faherty

72. Between in or about January through April 2000, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game, named "Monopoly at McDonald's."

73. Between in or about March and April 2000, JEROME P. JACOBSON provided a winning \$ 1 million game piece for a McDonald's promotional game, named "Monopoly at McDonald's," to ANDREW M. GLOMB.

74. Between in or about March and April, 2000, ANDREW M. GLOMB transferred a winning \$1 million game piece for a McDonald's promotional game, named "Monopoly at McDonald's", which was ultimately possessed by JAMES PATRICK FAHERTY.

75. On or about April 18, 2000, JAMES PATRICK FAHERTY claimed to be a legitimate winner of a \$1 million prize in McDonald's promotional game, named "Monopoly at McDonald's."

76. In the morning of on or about August 17, 2001, ANDREW M. GLOMB placed a telephone call to a relative of JAMES PATRICK FAHERTY, and told the relative to warn JAMES PATRICK FAHERTY to expect a telephone call from McDonald's about a re-union and that the re-union was "on the up and up."

Winner--Hoover

77. From in or about April through July 2001, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game, named "Pick Your Prize Monopoly at McDonald's."

78. Between in or about June and July 2001, JEROME P. JACOBSON provided a winning \$ 1 million game piece for a McDonald's promotional game, named "Pick Your Prize Monopoly at McDonald's," to ANDREW M. GLOMB.

79. On or about July 16, 2001, ANDREW M. GLOMB provided a winning \$1 million game piece for a McDonald's promotional game, named "Pick Your Prize Monopoly at McDonald's," to Michael L. Hoover.

80. On or about July 17, 2001, Michael L. Hoover claimed to be a legitimate winner of a \$1 million prize in McDonald's promotional game, named "Pick Your Prize Monopoly at McDonald's."

Winner--Braun

81. In or about the late 1980's, JEROME P. JACOBSON embezzled a \$25,000 winning game piece from his employer, Simon, for a McDonald's promotional game.

82. In or about the late 1980's, JEROME P. JACOBSON provided a winning \$25,000 game piece for a McDonald's promotional game to Marvin Braun.

83. In or about the late 1980's, Marvin Braun redeemed the winning \$25,000 game piece for a McDonald's promotional game in the name of a relative.

Winner--Sinder

84. Between in or about January through April 1998, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game named "Monopoly at McDonald's."

85. Between in or about March and April 1998, JEROME P. JACOBSON provided a winning \$ 1 million game piece for a McDonald's promotional game, named "Monopoly at McDonald's," to Marvin Braun.

86. Between in or about March and April 1998, Marvin Braun provided a winning \$1 million game piece for a McDonald's promotional game, named "Monopoly at McDonald's," to STEVEN L. SINDER.

87. On or about April 14, 1998, STEVEN L. SINDER claimed to be a legitimate winner of a \$1 million prize in McDonald's promotional game, named "Monopoly at McDonald's."

Recruiter--Couturier

88. In or about mid-1998, WILEY RICHARD COUTURIER paid JEROME P. JACOBSON approximately \$4,000 as payment for an embezzled winning game piece for a new 1998 Chevrolet Corvette coupe, from a McDonald's promotional game, named "Monopoly Game at McDonald's," which had been redeemed by a co-conspirator living in Alabama.

89. In or about mid-1998, WILEY RICHARD COUTURIER paid JEROME P. JACOBSON approximately \$8,000 as payment for an embezzled winning game piece for either a new 1998 Chevrolet Corvette coupe or a cash equivalent, from a McDonald's promotional game, named "Monopoly Game at McDonald's," which had been redeemed by a co-conspirator living in Louisiana.

90. On or about June 15, 1999, WILEY RICHARD COUTURIER paid JEROME P. JACOBSON approximately \$45,000 in proceeds from the fraudulent redemption of one embezzled winning game piece for \$200,000 and a Sea-Doo sport

boat, from a McDonald's promotional game, named "Monopoly Game at McDonald's," which had been redeemed by a co-conspirator living in Missouri.

91. In or about mid-1999, WILEY RICHARD COUTURIER paid JEROME P. JACOBSON approximately \$60,000 in proceeds from the fraudulent redemption of one embezzled winning game piece for \$200,000 and a Sea-Doo sport boat, from a McDonald's promotional game, named "Monopoly Game at McDonald's," which had been redeemed by a co-conspirator living in Kentucky.

92. In or about the fall of 1999, WILEY RICHARD COUTURIER paid JEROME P. JACOBSON approximately \$70,000 in proceeds from the fraudulent redemption of one embezzled \$1 million winning game piece from a McDonald's promotional game, named "McDonald's QPC Game," which had been redeemed by WILLIAM MIKEY THOMAS, who was living in Arvada, Colorado.

93. In or about the spring of 2000, WILEY RICHARD COUTURIER paid JEROME P. JACOBSON approximately \$50,000 to \$60,000 in proceeds from the fraudulent redemption of one embezzled \$200,000 winning game piece from a McDonald's promotional game, named "Monopoly Game at McDonald's," which had been redeemed by DAROLD F. BROWNING, who was living in Syracuse, Utah.

94. Between in or about February 2001 and August 2001, WILEY RICHARD COUTURIER paid JEROME P. JACOBSON approximately \$70,000, in proceeds from the fraudulent redemption of one embezzled \$1 million winning game piece from a

McDonald's promotional game, named "The Taste Trials Game at McDonald's," which had been redeemed by JOHN HENDERSON, who was living in Las Vegas, Nevada.

95. On or about July 18, 2001, WILEY RICHARD COUTURIER paid JEROME P. JACOBSON approximately \$50,000 in proceeds from the fraudulent redemption of one embezzled \$250,000 winning game piece from a McDonald's promotional game, named "Who Wants to be a Millionaire," which had been redeemed by CARL MAINE, who was living in Dover, Delaware.

Winner--Stuart

96. Between in or about January through August 1996, JEROME P. JACOBSON embezzled a winning \$1 million game piece from his employer, Simon, for a McDonald's promotional game, named "The Deluxe Monopoly Game at McDonald's."

97. Between in or about January through August 1996, JEROME P. JACOBSON provided a winning \$1 million game piece for a McDonald's promotional game, named "The Deluxe Monopoly Game at McDonald's," to MARK SCHWARTZ.

98. Between in or about January through August 1996, MARK SCHWARTZ provided a winning \$1 million game piece for a McDonald's promotional game, named "The Deluxe Monopoly Game at McDonald's," to EARL STUART.

99. On or about August 25, 1996, EARL STUART claimed to be a legitimate winner of a \$1 million prize in a McDonald's promotional game, named "The Deluxe Monopoly Game at McDonald's."

Recruiter--Hart

100. In or about March 1998, after being asked by JEROME P. JACOBSON, DONALD M. HART agreed to assist JEROME P. JACOBSON in identifying individuals who would be willing to falsely and fraudulently represent themselves as legitimate winners in McDonald's promotional games.

101. In or about the spring of 1998, JEROME P. JACOBSON provided DONALD M. HART with a winning \$200,000 game piece for the McDonald's promotional game, named "1998 Monopoly Game at McDonald's."

102. In or about April 1998, DONALD M. HART provided a winning \$200,000 game piece for a McDonald's promotional game, named "1998 Monopoly Game at McDonald's," to a relative living in Arizona.

103. On or about April 20, 1998, a relative of DONALD M. HART falsely and fraudulently represented himself to be a legitimate winner of a \$200,000 game piece for a McDonald's promotional game, named "1998 Monopoly Game at McDonald's."

104. In or about the summer of 1998, at McDonald's direction, Simon issued a \$200,000 check to DONALD M. HART's relative living in Arizona.

105. In or about the summer of 1998, DONALD M. HART's relative paid approximately \$70,000 to DONALD M. HART in proceeds from a fraudulently redeemed winning \$200,000 game piece for a McDonald's promotional game, named "1998 Monopoly Game at McDonald's."

106. In or about the summer of 1998, DONALD M. HART provided JEROME P. JACOBSON approximately \$70,000 in cash, which was a portion of the proceeds from a fraudulently redeemed winning \$200,000 game piece for a McDonald's promotional game, named "1998 Monopoly Game at McDonald's."

107. In or about the summer of 1998, JEROME P. JACOBSON provided approximately \$30,000 in cash to DONALD M. HART, which was a portion of the proceeds from a fraudulently redeemed winning \$200,000 game piece for a McDonald's promotional game, named "1998 Monopoly Game at McDonald's."

108. Between in or about January 1998, and April 1998, after being asked by JEROME P. JACOBSON, DONALD M. HART agreed to assist JEROME P. JACOBSON by identifying individuals who would be willing to act as recruiters of individuals who would represent themselves as legitimate winners in McDonald's promotional games.

109. Between in or about January 1998, and April 1998, DONALD M. HART recruited co-defendants ANDREW M. GLOMB and WILEY RICHARD COUTURIER to act as recruiters of individuals who would be willing to falsely and fraudulently represent themselves as legitimate winners in McDonald's promotional games.

110. Between in or about January 1998, and April 1998, DONALD M. HART entered into agreements with ANDREW M. GLOMB and WILEY RICHARD COUTURIER that he (DONALD M. HART) would supply ANDREW M. GLOMB and WILEY RICHARD COUTURIER with winning high-value game pieces for McDonald's

promotional games in exchange for ANDREW M. GLOMB and WILEY RICHARD COUTURIER recruiting fraudulent game winners and paying him (DONALD M. HART) a substantial portion of the fraudulent proceeds obtained by the fraudulent game winners.

111. Between 1998 and August 2001, DONALD M. HART accepted more than \$400,000 in proceeds as payment for his role in the conspiracy to defraud McDonald's.

**Recruiter--Schwartz
Winner/Recruiter--Pincus**

112. In or about the first quarter of 1997, MARK SCHWARTZ recruited his relative, GARY DAVID PINCUS, to fraudulently act as a winner for a McDonald's promotional game, named "1997 Monopoly Game at McDonald's."

113. In April 1997, MARK SCHWARTZ provided GARY DAVID PINCUS with a winning \$200,000 game piece for a McDonald's promotional game, named "1997 Monopoly Game at McDonald's."

114. On or about April 30, 1997, GARY DAVID PINCUS falsely and fraudulently claimed to be a legitimate winner of a \$200,000 game piece for a McDonald's promotional game, named "1997 Monopoly Game at McDonald's."

115. In or about 1999, MARK SCHWARTZ asked GARY DAVID PINCUS to recruit other individuals who would be willing to falsely and fraudulently represent themselves as legitimate winners in McDonald's promotional games.

116. In or about 1999, GARY DAVID PINCUS recruited an individual residing in Nebraska to falsely and fraudulently represent himself as a legitimate winner of a "His and Her Chevy Camaro Z28 convertibles" game piece in a McDonald's promotional game, named "McDonald's QPC Code Name Game."

117. In or about 1999, GARY DAVID PINCUS recruited an individual residing in Wisconsin to falsely and fraudulently represent himself as a legitimate winner of a \$50,000 game piece in a McDonald's promotional game, named "1999 Monopoly Game at McDonald's."

118. In or about 1999, GARY DAVID PINCUS and MARK SCHWARTZ recruited an individual residing in Ohio to falsely and fraudulently represent himself as a legitimate winner of a "His and Her Chevy Camaro Z28 convertibles" game piece in a McDonald's promotional game, named "McDonald's QPC Code Name Game."

Recruiter--Pearl

119. In or about April 1996, JEROME PEARL recruited a friend residing in Tavernier, Florida, to falsely and fraudulently represent himself as a legitimate winner of a \$100,000 game piece in a McDonald's promotional game, named "Disney's Masterpiece Collection Trivia Challenge at McDonald's".

120. In or about May 1996, JEROME PEARL accepted approximately \$65,000 in cash representing a portion of the proceeds from the \$100,000 game piece that JEROME PEARL's friend falsely and fraudulently redeemed, representing himself to be

a legitimate winner of a \$100,000 game piece in a McDonald's promotional game, named "Disney's Masterpiece Collection Trivia Challenge at McDonald's".

121. In or about April 1997, JEROME PEARL recruited a friend residing in Boca Raton, Florida, to falsely and fraudulently represent himself as a legitimate winner of a 1997 Jaguar automobile in a McDonald's promotional game, named "1997 Monopoly Game at McDonald's."

122. In or about July 1997, a friend of JEROME PEARL transferred the Jaguar automobile back to a Miami, Florida, Jaguar dealership, for \$55,000, which was fraudulently obtained as a prize in a McDonald's promotional game, named "1997 Monopoly Game at McDonald's,"

123. Between in or about July and September 1997, JEROME PEARL accepted more than \$24,000 in cash and checks representing a portion of the proceeds from the \$55,000 obtained in exchange for the Jaguar automobile prize that JEROME PEARL's friend falsely and fraudulently redeemed, representing himself to be a legitimate winner.

Winner/Recruiter--Thomas

124. In or about February of 1999, in New Orleans, Louisiana, WILEY RICHARD COUTURIER recruited WILLIAM MIKEY THOMAS, a/k/a Mike Thomas, at a Mardi Gras event to fraudulently act as a legitimate winner in an upcoming McDonald's promotional game.

125. In or about the spring of 1999, after agreeing to fraudulently act as a legitimate winner in an upcoming McDonald's promotional game, WILLIAM MIKEY THOMAS met WILEY RICHARD COUTURIER in Atlanta, Georgia and was provided with a winning \$1 million game piece in a McDonald's promotional game, named "McDonald's QPC Code Name Game."

126. On or about August 5, 1999, WILLIAM MIKEY THOMAS falsely and fraudulently claimed to be a legitimate winner of a \$1 million game piece in a McDonald's promotional game, named "McDonald's QPC Code Name Game."

127. In or about 1999, WILLIAM MIKEY THOMAS, after being asked by WILEY RICHARD COUTURIER, agreed to recruit other individuals who would be willing to falsely and fraudulently represent themselves as legitimate winners in McDonald's promotional games.

Winner--Browning

128. In or about April of 2000, after being recruited by WILLIAM MIKEY THOMAS, DAROLD F. BROWNING agreed to falsely and fraudulently claim to be a legitimate winner of a \$200,000 game piece in a McDonald's promotional game, named "Monopoly Game at McDonald's."

129. On or about April 23, 2000, DAROLD F. BROWNING falsely and fraudulently claimed to be a legitimate winner of a \$200,000 game piece in a McDonald's promotional game, named "Monopoly Game at McDonald's."

130. On or about May 5, 2000, DAROLD F. BROWNING caused McDonald's to issue a check in the amount of \$200,000 to DAROLD F. BROWNING, based upon DAROLD F. BROWNING's claim to have legitimately obtained a winning game piece in a McDonald's promotional game, named "Monopoly Game at McDonald's."

Winner--Henderson

131. In or about September 2000, after being recruited by WILLIAM MIKEY THOMAS, JOHN HENDERSON agreed to falsely and fraudulently claim to be a legitimate winner of a \$1 million game piece in a McDonald's promotional game, named "The Taste Trials Game at McDonald's."

132. On or about September 28, 2000, JOHN HENDERSON falsely and fraudulently claimed to be a legitimate winner of a \$1 million game piece in a McDonald's promotional game, named "The Taste Trials Game at McDonald's."

133. On or about February 12, 2001, JOHN HENDERSON caused McDonald's to issue a check in the amount of \$473,167 to JOHN HENDERSON, based upon JOHN HENDERSON's claim to have legitimately obtained a winning game piece in a McDonald's promotional game, named "The Taste Trials Game at McDonald's."

Winner--Maine

134. In or about the spring of 2001, after being recruited by WILLIAM MIKEY THOMAS, CARL MAINE agreed to falsely and fraudulently claim to be a legitimate winner of a \$250,000 game piece in a McDonald's promotional game, named "Who Wants to be a Millionaire."

135. On or about May 9, 2001, CARL MAINE falsely and fraudulently claimed to be a legitimate winner of a \$250,000 game piece in a McDonald's promotional game, named "Who Wants to be a Millionaire."

136. On or about May 25, 2001, CARL MAINE caused McDonald's to issue a check in the amount of \$250,000 to CARL MAINE, based upon CARL MAINE's claim to have legitimately obtained a winning game piece in a McDonald's promotional game, named "Who Wants to be a Millionaire."

Winner--Evosevich

137. In or about April 1998, after being recruited by ANDREW M. GLOMB, STANLEY EVOSEVICH agreed to falsely and fraudulently claim to be a legitimate winner of a \$1 million game piece in a McDonald's promotional game, named "1998 Monopoly Game at McDonald's."

138. On or about April 22, 1998, STANLEY EVOSEVICH falsely and fraudulently claimed to be a legitimate winner of a \$1 million game piece in a McDonald's promotional game, named "1998 Monopoly Game at McDonald's."

139. On or about June 23, 1998, STANLEY EVOSEVICH caused McDonald's to issue a check in the amount of \$50,000 to STANLEY EVOSEVICH, based upon STANLEY EVOSEVICH's claim to have legitimately obtained a winning game piece in a McDonald's promotional game, named "1998 Monopoly Game at McDonald's."

Winner--Posnan

140. In or about May 2000, after being recruited by ANDREW M. GLOMB, ERIC POSNAN agreed to falsely and fraudulently claim to be a legitimate winner of a \$1 million game piece in a McDonald's promotional game, named "Hatch, Match, and Win."

141. On or about June 8, 2000, ERIC POSNAN falsely and fraudulently claimed to be a legitimate winner of a \$1 million game piece in a McDonald's promotional game, named "Hatch, Match, and Win."

142. On or about September 7, 2000, ERIC POSNAN caused McDonald's to issue a check in the amount of \$473,167 to ERIC POSNAN, based upon ERIC POSNAN's claim to have legitimately obtained a winning game piece in a McDonald's promotional game, named "Hatch, Match, and Win."

Winner--Doran

143. In or about August 1999, after being recruited by ANDREW M. GLOMB, PATRICK DORAN agreed to falsely and fraudulently claim to be a legitimate winner of a \$1 million game piece in a McDonald's promotional game, named "The McDonald's QPC Code Name Game."

144. On or about August 11, 1999, PATRICK DORAN falsely and fraudulently claimed to be a legitimate winner of a \$1 million game piece in a McDonald's promotional game, named "The McDonald's QPC Code Name Game."

145. On or about November 22, 1999, PATRICK DORAN caused McDonald's to issue a check in the amount of \$566,780 to PATRICK DORAN, based upon PATRICK DORAN's claim to have legitimately obtained a winning game piece in a McDonald's promotional game, named "McDonald's QPC Code Name Game."

Winner--Carl

146. In or about the summer of 1996, after being recruited by Jerry Colombo, JOEL CARL agreed to falsely and fraudulently claim to be a legitimate winner of a \$1 million game piece in a McDonald's promotional game, named "When the USA Wins You Win."

147. On or about August 14, 1996, JOEL CARL falsely and fraudulently claimed to be a legitimate winner of a \$1 million game piece in a McDonald's promotional game, named "When the USA Wins You Win."

148. On or about September 9, 1996, JOEL CARL caused McDonald's to issue a check in the amount of \$50,000 to JOEL CARL, based upon JOEL CARL's claim to have legitimately obtained a winning game piece in a McDonald's promotional game, named "When the USA Wins You Win."

All in violation of Title 18, United States Code, Section 371.

COUNTS TWO THROUGH SIX

A. INTRODUCTION

Part A of Count One of this Indictment is realleged and incorporated by reference as if fully set forth herein.

B. SCHEME AND ARTIFICE

On or about the dates listed below, at Jacksonville, in the Middle District of Florida,

JEROME P. JACOBSON
a/k/a Jerry Jacobson
a/k/a Uncle Jerry
ROBIN LISA COLOMBO

the defendants herein, did knowingly and willfully devise and intend to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses and representations.

C. MANNER AND MEANS

The allegations from Count One in Section C, Manner and Means, and in Section D, Overt Acts, are realleged and incorporated by reference as if fully set forth herein.

D. MAILINGS

On or about the dates set forth below, at Jacksonville, in the Middle District of Florida,

JEROME P. JACOBSON
a/k/a Jerry Jacobson
a/k/a Uncle Jerry
ROBIN LISA COLOMBO

having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses and representations, caused the below listed items to be placed in an authorized depository

for mail matter, to be sent and delivered by the United States Postal Service, to the addresses listed below:

<u>COUNT</u>	<u>DATE</u>	<u>ITEM MAILED</u>	<u>MAILED FROM</u>	<u>MAILED TO</u>
TWO	6/4/97	\$50,000 McDonald's Check	Oak Brook, IL	6425 New Ct. Jacksonville, FL
THREE	6/2/98	\$50,000 McDonald's Check	Oak Brook, IL	6425 New Ct. Jacksonville, FL
FOUR	5/26/99	\$50,000 McDonald's Check	Oak Brook, IL	6425 New Ct. Jacksonville, FL
FIVE	5/26/00	\$50,000 McDonald's Check	Oak Brook, IL	6425 New Ct. Jacksonville, FL
SIX	5/24/01	\$50,000 McDonald's Check	Oak Brook, IL	6425 New Ct. Jacksonville, FL

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNTS SEVEN AND EIGHT

A. INTRODUCTION

Part A of Count One of this Indictment is realleged and incorporated by reference as if fully set forth herein.

B. SCHEME AND ARTIFICE

On or about the dates listed below, at Jacksonville, in the Middle District of Florida,

JEROME P. JACOBSON
a/k/a Jerry Jacobson
a/k/a Uncle Jerry
ROBIN LISA COLOMBO

the defendants herein, did knowingly and willfully devise and intend to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses and representations.

C. MANNER AND MEANS

The allegations from Count One in Section C, Manner and Means, and in Section D, Overt Acts, are realleged and incorporated by reference as if fully set forth herein.

D. MAILINGS

On or about the dates set forth below, at Jacksonville, in the Middle District of Florida,

JEROME P. JACOBSON
a/k/a Jerry Jacobson
a/k/a Uncle Jerry
ROBIN LISA COLOMBO

having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses and representations, caused the below listed items to be placed in an authorized depository

for mail matter, to be sent and delivered by the United States Postal Service, to the addresses listed below:

COUNT	DATE	ITEM MAILED	MAILED FROM	MAILED TO
SEVEN	4/26/00	\$50,000 McDonald's check	Oak Brook, IL	6606 Kinlock Dr. Jacksonville, FL
EIGHT	4/23/01	\$50,000 McDonald's check	Oak Brook, IL	6606 Kinlock Dr. Jacksonville, FL

In violation of Title 18, United States Code, Sections 1341 and 2.

COUNT NINE

A. INTRODUCTION

Part A of Count One of this Indictment is realleged and incorporated by reference as if fully set forth herein.

B. SCHEME AND ARTIFICE

On or about the dates listed below, at Orlando, in the Middle District of Florida,

JEROME P. JACOBSON
a/k/a Jerry Jacobson
a/k/a Uncle Jerry
ANDREW M. GLOMB
a/k/a Andy Glomb
a/k/a AJ Glomb
JAMES PATRICK FAHERTY

the defendants herein, did knowingly and willfully devise and intend to devise a scheme and artifice to defraud, and for obtaining money by means of false and fraudulent pretenses and representations.

C. MANNER AND MEANS

The allegations from Count One in Section C, Manner and Means, and in Section D, Overt Acts, are realleged and incorporated by reference as if fully set forth herein.

D. MAILINGS

On or about the date set forth below, at Orlando, in the Middle District of Florida,

JEROME P. JACOBSON
a/k/a Jerry Jacobson
a/k/a Uncle Jerry
ANDREW M. GLOMB
a/k/a Andy Glomb
a/k/a AJ Glomb
JAMES PATRICK FAHERTY

having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses and representations, caused the below listed item to be placed in an authorized depository for mail matter, to be sent and delivered by the United States Postal Service, to the addresses listed below:

<u>DATE</u>	<u>ITEM MAILED</u>	<u>MAILED FROM</u>	<u>MAILED TO</u>
5/30/00	\$490,907.00 McDonald's Check	Oak Brook, IL.	414 Delaney Park Drive Orlando, Florida 32806

In violation of Title 18, United States Code, Sections 1341 and 2.

FORFEITURES

1. The allegations contained in Counts One through Nine of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to the provisions of Title 18, United States Code, Sections 981(a)(1)(C) and 982, as incorporated by reference in Title 28, United States Code, Section 2461(c).

2. The defendants, JEROME P. JACOBSON, a/k/a Jerry Jacobson, a/k/a Uncle Jerry, ROBIN LISA COLOMBO, JERRY LEE KENNY, GEORGE CHANDLER, RONALD E. HUGHEY, a/k/a Ronnie Hughey, BRENDA S. PHENIS, JOHN F. DAVIS, ANDREW M. GLOMB, a/k/a Andy Glomb, a/k/a AJ Glomb, STANLEY L. WARWICK, JAMES PATRICK FAHERTY, a/k/a Jim Faherty, STEVEN L. SINDER, WILEY RICHARD COUTURIER, EARL STUART, DONALD M. HART, a/k/a Don Hart, MARK SCHWARTZ, JEROME PEARL, a/k/a Jerry Pearl, GARY DAVID PINCUS, WILLIAM MIKEY THOMAS, a/k/a Mike Thomas, DAROLD F. BROWNING, JOHN HENDERSON, CARL MAINE, STANLEY EVOSEVICH, ERIC POSNAN, PATRICK DORAN, and JOEL CARL shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C), any and all right, title, and interest they may have in any property, real or personal, which represents or is traceable to the gross receipts obtained, directly or indirectly, as a result of such violations of 18 U.S.C. §§ 371, 1341 and 2, including but not limited to the following:

- a. A sum of money equal to \$10 million in United States currency, representing the amount of proceeds obtained as a result of the conspiracy to violate 18 U.S.C. § 1341 in Count One of the Indictment;
- b. 1989 Mercedes "Roadster", VIN DMV43422;
- c. 1995 Ford F350 Pickup, VIN 1FTJW35F6SEA34340;
- d. 1997 Isuzu Rodeo, VIN 4S2CK58E8V4338867;
- e. 1997 Lexus ES300, VIN JT8BF22G0V0055423;
- f. 1998 Chevrolet Corvette, VIN 1G1YY22G5W5127591;
- g. 2000 Honda S2000, VIN JHMAP1144YT004083;
- h. 2001 Toyota Highlander, VIN JTEGF21A210018075;
- i. \$10,000.00 in United States currency seized from Geneva Ladd, held for defendant BRENDA S. PHENIS, which sum constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of the violation of the conspiracy to violate 18 U.S.C. § 1341;
- j. All United States currency funds or other monetary instruments in the approximate amount of \$84,976.00 credited to account number 640058269 controlled by defendants Noah Dwight Baker, Sr. and GEORGE CHANDLER in the name of Edgewater

Development Corporation, held in a brokerage account at A.G. Edwards; and

- k. All United States currency funds or other monetary instruments in the approximate amount of \$7,744.65 credited to account number 0453-173042 in the name of BRENDA S. PHENIS, Wachovia Bank, Asheville, North Carolina.

As to defendant DONALD M. HART, the following properties described below in paragraphs l - s:

- l. 1717 N. Bayshore Drive, A-1934, Miami, Dade County, Florida, Parcel No. 01 3231 048 0114;
- m. 1717 N. Bayshore Drive, C-4035, Miami, Dade County, Florida, Parcel No. 01 3231 048 0169;
- n. 1120 Heard's Ferry Road, Atlanta, Fulton County, Georgia, Parcel No. 17-0173-0001-013-7;
- o. 123 Bramble Drive, Morganville, Monmouth County, New Jersey, more particularly described as LOT: 11, BLOCK: 120.04; CITY: MARLBORO TWP, BOOK/PAGE 5455/836;
- p. 2296 Runnyhead Ridge, SE, Marietta, Cobb County, Georgia, Parcel No. 17-0797-0-019-0, more particularly described as DISTRICT: 17, LAND LOT: 796, SUBDIVISION: COVERED BRIDGE; PHASE NUMBER: 5, BOOK/PAGE: 8832/1;

- q. Route 9, Rensselaer, Rensselaer County, New York, more particularly described as DISTRICT: 384489, CITY: SCHODAK TOV;
- r. 7 Hillside Court, Lambertville, Hunterdon County, New Jersey, more particularly described as LOT 8, BLOCK: 8, DISTRICT: 26, BOOK/PAGE: 200/695; and
- s. \$151,900.00 in U.S. currency voluntarily provided to the Federal Bureau of Investigation (FBI) by DONALD HART, through his counsel, and seized by the FBI on September 26, 2001.

As to defendant JEROME P. JACOBSON, the following properties described below in paragraphs t - x:

- t. 1788 American Way, Lawrenceville, Gwinnett County, Georgia, Parcel No. 7-072-154;
- u. 551 Lake Place Drive, Unit 5, Lavonia, Franklin County, Georgia, Parcel No. 060E-018-005;
- v. Lot 7, Block 2, Lakeshore, Oconee County, South Carolina, Parcel No. 340-05-02-002;
- w. Lot 13, Edgewater Hills Subdivision, Oconee County, South Carolina, Parcel No. 341-04-01-013; and
- x. 2000 Honda S2000, Convertible, VIN JHMAP1144YT004083, seized by the FBI on August 21, 2001.

3. If any of the property described above, as a result of any act or omission of the defendants:

- a. Cannot be located upon the exercise of due diligence;
- b. Has been transferred or sold to, or deposited with, a third party;
- c. Has been placed beyond the jurisdiction of the court;
- d. Has been substantially diminished in value; or
- e. Has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

A TRUE BILL,

Foreperson

MAC CAULEY
United States Attorney

By: _____
MARK B. DEVEREAUX
Assistant United States Attorney

By: _____
JAMES R. KLINDT, Deputy Managing
Assistant United States Attorney